

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FMIO, INC. a Michigan corporation and
RICHARD A. GARST,
Plaintiffs,

File No: 2:09-cv-12561

v

TOWNSHIP OF SUMMERFIELD MICHIGAN, a
Michigan municipal corporation, KEVIN R. IOTT in
his official and individual capacities, TAMMY
BLEASKA in her official and individual capacities,
JOAN WIEDERHOLD, in her official and individual
capacities, DALE WAGENKNECHT in his official
and individual capacities JAMES V. SEEGER, in his
official and individual capacities, AMY REITER, in
her official and individual capacities, RICHARD
KORALESKI in his official and individual capacities,
DAVID GRUDE, in his official and individual
capacities, JOSEPH STRANGER in his official and
individual capacities, LINDA DIESING in her official
and individual capacities MICHAEL STRAHAN in his
official and individual capacities, jointly and
severally,

Hon. BERNARD A. FRIEDMAN

Defendants

Cindy Rhodes Victor (P33613)
The Victor Firm, PLLC
Attorney for Plaintiffs
35801 Mound Road
Sterling Heights, MI 48310
Telephone: 586-274-9600

Frederick Lucas (P29074)
R. Scott A. Baker (P62511)
Lucas & Baker
Attorney for Defendants
7577 US 12, Ste A
Onsted, MI 49265
Telephone: 517-467-4000
Fax: 517-467-4044

MOTION TO COMPEL ANSWERS TO INTERROGATORIES

Defendants, Township of Summerfield Michigan, Kevin R. Iott, Tammy Bleaska,

Joan Wiederhold, Dale Wagenknecht, James V. Seeger, Amy Reiter, Richard Koraleski, David Grude, Joseph Stranger, Linda Diesing, Michael Strahan moves this court for an order compel plaintiffs' response to interrogatories and award sanctions pursuant to FRCP 37 and states in support of this motion:

1. Defendants served interrogatories on plaintiffs on October 19, 2009. Proof of service of the interrogatories is attached as Exhibit A.
2. As of the date of this motion, plaintiffs have failed to make any answers to these interrogatories.
3. Plaintiffs' refusal to answer is without justification, and defendants are entitled to costs, expenses, and attorney fees in accordance with FRCP 37(a)(3)(A).

WHEREFORE defendants request the court to enter an order compelling plaintiffs to answer defendants' interrogatories and to award defendants costs, expenses, and attorney fees for have to bring this motion.

Dated: November 24, 2009

Lucas & Baker
s/Frederick Lucas
Frederick Lucas (P29074)
Lucas & Baker
7577 US Highway 12, Suite A
Onsted, MI 49265
Telephone: 517-467-4000
Primary E-mail: lucas@lucaslawpc.com
Secondary E-mail: donna@lucaslawpc.com

**DEFENDANT'S BRIEF IN SUPPORT OF
MOTION TO EXCLUDE EXPERT WITNESS**

ISSUE PRESENTED

- I. Whether the court should enter an order compelling plaintiffs' to answer defendants' interrogatories?

Plaintiffs answer:	No
Defendants answer:	Yes

- II. Defendants served its first set of interrogatories to plaintiffs and more than 30 days has lapsed.

STATEMENT OF MOST CONTROLLING AUTHORITIES

Fed R. Civ. P. LR 7.1(a) and FRCP 37

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s/Frederick Lucas
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NOTICE OF HEARING

PLEASE TAKE NOTICE that the motion will be heard at a date and time to be set by the Court.

Dated: November 24, 2009

Lucas & Baker
s/Frederick Lucas
Frederick Lucas (P29074)
7577 US Highway 12, Suite A.
Onsted, MI 49265

517-467-4000

Primary E-mail: lucas@lucaslawpc.com

Secondary E-mail: donna@lucaslawpc.com

CERTIFICATE OF SERVICE

I hereby certify that on November 25, 2009, I electronically filed the foregoing papers with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Cindy Victor.

s/Frederick Lucas

Frederick Lucas (P29074)

Lucas & Baker

7577 US Highway 12

Onsted, MI 49265

Telephone: 517-467-1000

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EXHIBIT A

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CERTIFICATE OF SERVICE

Donna K. Moyer certifies that she served papers as follows

DOCUMENT SERVED: Defendants' first set of interrogatories to plaintiffs

METHOD OF SERVICE: First Class Mail

DATE SERVED: October 19, 2009

PERSON(S) SERVED: Cindy Victor
35801 Mound Road
Sterling Heights, MI 48310



Donna K. Moyer